

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

|   |   |                            |
|---|---|----------------------------|
| Richard Gurley,                         | ) | C/A No. 4:20-cv-02764-SAL  |
|   | ) |                            |
| Plaintiff,                              | ) |                            |
|   | ) |                            |
| v.                                      | ) | <b>OPINION &amp; ORDER</b> |
|   | ) |                            |
| Kilolo Kijakazi, Acting Commissioner of | ) |                            |
| Social Security Administration,         | ) |                            |
|   | ) |                            |
| Defendant.                              | ) |                            |
|   | ) |                            |

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Plaintiff Richard Gurley (“Plaintiff”) brought this action pursuant to Section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), to obtain judicial review of a “final decision” of the Commissioner of Social Security (“Acting Commissioner”), denying his claim for supplemental security income. [ECF No. 1.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule (D.S.C.) 73.02(B), this matter was referred to United States Magistrate Thomas E. Rogers, III for pre-trial handling. On September 21, 2021, the Magistrate Judge issued a Report and Recommendation (“Report”), recommending that the court reverse the decision of the Acting Commissioner and remand for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). [ECF No. 16.] Attached to the Report was a Notice of Right to File Objections. *Id.* at p.11. On October 5, 2021, the Acting Commissioner filed a notice informing the court that she does not intend to file objections to the Report. [ECF No. 17.]

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to,

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, the decision is **REVERSED**, and the court **REMANDS** this matter to the Acting Commissioner for further proceedings in accordance with the Report and pursuant to sentence four of 42 U.S.C. § 405(g).

**IT IS SO ORDERED.**

/s/ Sherri A. Lydon  
United States District Judge

October 8, 2021  
Florence, South Carolina